THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8694 OF 2007

DATED: 26-07-2007

BETWEEN

Akkala Sambasiva Rao,
S/o. Purnachander Rao,
R/o. Peteru Village, Repalle
Mandal, Guntur District and
another.

...PETITIONER

AND

The Commissioner of Prohibition
& Excise, Andhra Pradesh,
Hyderabad and five others.

...RESPONDENTS

ORDER:

Petitioners question the action of the respondents 1 to 4 in granting Form 2B bar license in favour of the respondents 5 and 6 on the ground that the Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 (for short 'the Rules')
do not authorize the excise authorities to grant bar licence to villages other than municipalities and municipal corporations.

2. It is stated that the excise authorities are empowered to grant licence in Municipalities and Municipal Corporations alone and such licences may be granted within the belt area of 2 KMs of the periphery of such municipalities, municipal corporations and within a belt area of 5 KMs of the periphery of such municipal corporations. It is stated that the licence granted in favour of the respondents 5 and 6 in respect of their premises is within 100 meters of

Gram Devatha, Gandipetamma Temple, Vishnu Temple and Bhavanarushi Temple.

3. Counter has been filed by the Prohibition and Excise Superintendent on behalf the respondents stating that the said village is within 2 KMs of the belt area of the Repalle Municipality, therefore, as per Rule 4 of the Rules there is no prohibition to grant bar licence. Insofar as the requirement of the Rule 6 is concerned, with regard to the required total open area, plinth area and parking, it is stated that the requirement is only 100 meters but the premises area of the unofficial respondents is 152.41 sq. meters out of that area
112.57 sq. meters is covered with RCC roof, the premises is having adequate parking facility of 54.08 sq. meters and also facilities like kitchen, air-cooling, wash basins and toilets for gents and ladies separately. The said premises is in conformity with Rule 6 of the Rules. It is further stated that the aforesaid temples are not situated within 100 meters distance from the bar and restaurant. Thus, it is stated that there is no violation of any of the provisions of the aforesaid Rules.

4. In view of the aforesaid denial of the allegations made by the petitioners, it cannot be held that the licence granted in favour of respondents 5 and 6 is contrary to the said Rules. However, no reply has been filed disputing the said counter, therefore, I do not see any merits in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as costs.

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V. ESWARAIAH, J

July 26, 2007
DSK